

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Lawrence J. Koncelik, Jr.

Plaintiff,

v.

Sunbeam Products, Inc. d/b/a Jarden
Consumer Solutions

Defendant.

Civil Action No. 08 C 623

Judge: Bucklo

Magistrate Judge: Nolan

Jury Trial Demanded

PLAINTIFF'S ANSWER TO COUNTERCLAIMS

Lawrence J. Koncelik ("Koncelik") Answers Defendant's Counterclaims as follows.

The Parties

1. Sunbeam Products, Inc. is a Delaware corporation with its principal place of business at 2381 Executive Center Drive, Boca Raton, FL 33484.

Answer: Admitted as to Defendant's assertions.

2. Upon information and belief, Plaintiff is a New York citizen having an address of 37 Mile Hill Road, East Hampton, NY 11937.

Jurisdiction and Venue

Answer: Admitted.

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1 et seq. and the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq.

Answer: Admitted.

4. This Court has jurisdiction over Sunbeam's counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

Answer: Admitted.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

Answer: Admitted.

Count I

6. Defendant incorporates by reference, as though expressly stated herein, the allegations set forth in paragraphs 1-5 of its Counterclaims.

Answer: Plaintiff incorporates his answers to paragraphs 1-5 above.

7. Plaintiff has alleged that Defendant has been and is now directly, jointly or indirectly infringing, by inducing infringement or contributing to the infringement of, the '776 Patent in the State of Illinois in this judicial district and elsewhere in the United States by, among other things, making, using, selling or offering to sell one or more products that practice one or more claims of the '776 Patent to the injury of Plaintiff. Defendant denies these allegations.

Answer: Admitted.

8. An actual case and judicable controversy exists between Defendant and Plaintiff as to the infringement and validity of the '776 Patent.

Answer: Admitted.

9. Defendant is not infringing and has not infringed, either by direct infringement or contributory infringement or induced infringement, any valid and enforceable claim of the '776 Patent.

Answer: Denied.

10. On information and belief, one or more claims of the '776 Patent is invalid for failure to meet one or more of the conditions of patentability set forth in 35 U.S.C. §§ 101, 102, 103 and/or 112.

Answer: Denied.

11. Defendant requests a declaration that it has not infringed, either by direct infringement or contributory infringement or induced infringement, any valid and enforceable claim of the '776 Patent.

Answer: Plaintiff requests a declaration that Defendant has infringed claims of the '776 Patent.

12. Defendant requests a declaration that one or more claims of the '776 Patent is invalid and/or enforceable.

Answer: Plaintiff requests a declaration that all of the claims of the '776 Patent are valid, and agrees with Defendant that the claims are enforceable.

Respectfully submitted,

Date: April 18, 2008

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Attorneys for Plaintiff Lawrence J. Koncelik, Jr.

CERTIFICATE OF SERVICE

The undersigned certifies that on April 18, 2008 the PLAINTIFF'S ANSWER TO COUNTERCLAIMS was filed via the Court's ECF system, which in turn served the following counsel for Defendant:

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